



KATHY HOCHUL
Governor

NYSERDA

RICHARD L. KAUFFMAN
Chair

DOREEN M. HARRIS
President and CEO

**Workforce Training: Building Operations and Maintenance (BOM)
Program Opportunity Notice (PON) 5357
\$11,500,000 Available**

Applications accepted on a first-come, first-serve basis dependent on funding availability until December 31, 2025 by 3:00 PM Eastern Time.

PROGRAM SUMMARY

Overview

NYSERDA's Building Operations and Maintenance Workforce Training Program aims to reduce energy use and associated carbon emissions while saving building operators and owners money by developing and strengthening the skills of operations and maintenance (O&M) staff and managers across the state. The program is designed to equip building O&M workers with the skills to operate increasingly energy-efficient, grid- flexible, and electrified building systems that reduce buildings' contribution to climate change.

The goal is to support building owners, facility managers, property management companies, business associations/trade groups, and organized labor associations in creating the talent development strategy, corporate culture, on-site training framework, and tools needed to advance building O&M workers beyond classroom training.

While a training organization or trade association may be the applicant, it must partner with a specified entity or entities employing building O&M workers. Applications must be for training activities connected with specific buildings or portfolios/campuses of buildings named in the application. This can include partnerships of businesses with common training needs and skills gaps that have total annual energy expenditures of \$1 million or more (all fuels and uses.)

NYSERDA will support eligible projects by providing funding for programs and activities such as, but not limited to, creation of on-site training laboratories, curriculum development, in-person and virtual training, coaching/mentorships, and training trainers within an organization.

NYSERDA will provide funding of up to 90% with a cap of \$500,000 per application when 75% or more of the buildings employing O&M workers are located in a [Disadvantaged Community](#), or when the application is for a qualifying union-led project or qualifying pre-apprenticeship program. For all other applications, NYSERDA will provide funding of up to 70% with a cap of \$500,000 per application. NYSERDA reserves the right to award up to an additional \$500,000 for follow-on projects which provide O&M training that results in significant energy and carbon savings. The minimum funding request is \$50,000. In all applications, the majority of the cost share must be provided by the employer(s) of

building O&M workers. Examples of eligible cost share include the training provider/facility's employees' wages while working on tasks defined in the Statement of Work, the training provider/facility's employees' wages during training hours, equipment that will be used exclusively for training purposes, and training fees offset by a third party.

NYSERDA reserves the right to extend and/or add funding to the solicitation should other program funding sources become available.

Should any changes be made to this solicitation, notification will be posted on the "[Funding Opportunities](#)" section of NYSERDA's website.

Application Submission

Submit completed applications through Salesforce. For detailed instructions on how to submit an Application, including file requirements, click the link "[Application Instructions and Portal Training Guide \[PDF\]](#)" located on the [PON 5357 solicitation page](#).

Contact Information

For contractual questions regarding this solicitation, please contact Nancy Marucci at 518-862-1090 x3335 or NancySolicitations@nyserda.ny.gov.

For program questions, please contact Davetta Thacher, primary contact (Designated Contact) at (518) 862-1090, ext. 3603 or Laura Giannini, secondary contact (Designated Contact) at (518) 862-1090, ext. 3457 or by e-mail to BOM@nyserda.ny.gov.

NYSERDA will conduct an informational webinar on Thursday, July 20 at 10:30 am Eastern Time during which NYSERDA will review the requirements of this solicitation and answer questions. Training providers and building representatives interested in attending are asked to [click here to register](#). Questions may be submitted via email to WFinfo@nyserda.ny.gov prior to the webinar, or during the webinar using the web platform. Following the conclusion of the webinar, NYSERDA will post the webinar slide deck along with questions and responses to the [PON 5357](#) website. All questions will be posted anonymously, and NYSERDA's written responses will supersede any responses given during the webinar.

I. INTRODUCTION

NYSERDA seeks applications for comprehensive O&M training initiatives designed to help build O&M staff technical skills and reduce facility energy use, while realizing other benefits such as reduced equipment downtimes, increased occupant comfort, reduced occupant complaints and tenant turnover, increased numbers of staff with national certifications, and greater opportunities for employee retention, promotion, and career advancement.

Building O&M occupations or job titles that are targeted for training under this program may include, but are not limited to, the following: facility and property managers; operating and stationary engineers; technicians; building superintendents; repairpersons; maintenance workers; porters; mechanics and supervisors; electricians; plumbers; HVAC technicians; procurement staff; facility coordinators; and energy/sustainability managers.

Applications should be aimed at delivering comprehensive initiatives to train workers involved in the operations and maintenance of specific buildings listed in the application. It is anticipated that eligible training initiatives funded under this PON will be equipment-based or O&M-based.

Equipment-based skills training can target categories such as, but not limited to, the following:

- Lighting and lighting controls
- Heating and hot water electrification systems
- Domestic hot water
- Air and ground-source heat pump systems
- Boilers and hot water/steam distribution systems
- Chillers and chilled water distribution systems
- Cooling towers
- Economizer/Ventilation and controls
- HVAC control systems
- Motors and drives
- Water and other fluid pumps
- Pneumatic system and controls
- Building envelope
- Solar water heating
- Photovoltaics
- Energy storage (chemical, thermal or mechanical)
- Digital monitoring and control
- Building diagnostics
- Energy management systems
- Demand management and demand response

O&M-based skills training can target general or very specific areas such as, but not limited to, the following:

- Cleaning heat exchangers and coils
- Optimizing supply air temperatures
- Equipment scheduling (boilers, pumps, fans, etc.)
- Tuning-up boilers
- Matching boiler capacity to loads
- System commissioning, recommissioning, and continuous commissioning
- Chiller system optimization
- Utilizing natural ventilation
- Measuring and optimizing HVAC system performance
- Setback temperatures
- Optimizing pump performance
- Heat recovery
- Fan optimization and air distribution, including measures to mitigate viral and bacterial transmission
- Water conservation
- Environmental health and safety
- Energy accounting

Applications should be aimed at continuously advancing the skills of building O&M workers beyond training that is currently available within the facilities and beyond training readily available in the market.

Following are examples of areas eligible for funding:

- Developing and delivering customized building O&M training to facility staff to improve their knowledge and skills in operating and maintaining the buildings in which they work.
- Developing and implementing a new New York State-registered apprenticeship program or modifying an existing registered apprenticeship program, including developing or modifying curriculum and training trainers.
- Developing and constructing a hands-on training lab at a building site, supported by other training elements like those mentioned below.
- Using a learning management system to provide engaging and interactive, synchronous and/or asynchronous on-line trainings.
- Customizing an app-based system or learning management system for tracking O&M activities in real-time, providing training on the system, and integrating the system into on-going building operations.
- Development and implementation of a job mentoring program that includes training mentors, classroom training, on-the-job field training with a defined training plan, and/or developing O&M manuals or on-line training tools.
- Partnerships between employers with job openings and technical high schools, community colleges, or community-based organizations to allow students with basic skills training to work as apprentices or receive on-the-job training at buildings included in the application.
- Initiatives from business associations/trade groups and organized labor associations to support advanced training of their memberships, resulting in improved operation and maintenance of the facilities in which their members work. (Because formal facility commitments for their workers to be trained must be included in a PON 5357 application, business associations/trade groups and organized labor associations wishing to offer training to members independent of the facilities in which they work can submit proposals to the Energy Efficiency and Clean Technology Training Program, [PON 3981](#).)

The following are examples that are not eligible for training funds under this solicitation:

- Training of contractors or other individuals outside of those employed by the facility.
- Work focused on the new construction of buildings.
- Projects that train on system installation techniques.
- Partnerships with manufacturers to develop customized training modules or O&M manuals that would not normally be a service or resource offered by the manufacturer.
- Training for commercial tenants that do not have ownership of and/or the ability to maintain space conditioning equipment in their leased space.
- O&M training for processes associated with product manufacturing.

NYSERDA will support measurement and verification of project impacts; foster employer partnerships with training organizations; share project results and case studies with other New York State building owners and operators; and facilitate industry partnerships to help address common barriers related to building O&M.

Projects will be required to provide energy data and/or utility energy data release authorizations for all buildings participating in the project.

II. PROGRAM REQUIREMENTS

Eligibility Requirements

- While a training organization, a business association/trade group or an organized labor association may be the applicant, it must partner with a specified entity or entities that employ building O&M workers. Such entities may include, but are not limited to, building owners, facility managers, and property management companies.
- Qualifying union-led and pre-apprenticeship projects must:
 - Integrate clean energy training into existing New York State registered apprenticeship program(s) or journey worker training,
 - Develop a new clean energy apprenticeship program registered with the New York State Department of Labor, or
 - Be a direct entry pre-apprenticeship workforce training program recognized by the New York State Department of Labor that incorporates clean energy content.
- Buildings employing O&M workers participating in the project must be New York State electricity customers of an investor-owned utility company that are paying into the System Benefits Charge (SBC)/Clean Energy Fund (CEF).
- Eligible buildings may be in the following sectors: multi-family, commercial office, commercial retail, mixed-use, colleges and universities, hospitals and health care, New York State and local government, industrial, hospitality, data centers, public and private schools, and not-for-profit and private institutions. Other building types will be evaluated on a case-by-case basis.
- Participating employers of building O&M workers must have specific buildings or portfolios/campuses of buildings, including partnerships of businesses with common training needs and skills gaps.
- The identified buildings must have total annual energy expenditures of \$1 million or more (all fuels and uses). For multi-family buildings, the energy expenditures of the buildings to meet the threshold must be through accounts impacted by building O&M staff (i.e., common area accounts).

Program Budget

Total funding currently available for this solicitation is \$11,500,000. Additional funds may be added to the PON if funds become available, and it is anticipated that the PON could be re-issued with or without modifications. If changes are made to this solicitation, notification will be posted on [NYSERDA's website](#).

NYSERDA anticipates awarding multiple contracts under this solicitation with a maximum initial award of \$500,000 and a minimum award of \$50,000 per contract. NYSERDA may modify/extend contracts and add funds at its sole discretion provided that additional funds are available. NYSERDA may partially fund applications.

NYSERDA will provide funding of up to 90% of the total project cost with a cap of \$500,000 per application when 75% or more of the buildings employing O&M workers are located in a [Disadvantaged Community](#), or when the application is for a qualifying union-led project or qualifying pre-apprenticeship program. For all other applications, NYSERDA will provide funding of

up to 70% of the total project cost with a cap of \$500,000 per application.

Situations where the total number of buildings within [Disadvantaged Communities](#) is less than 75% may qualify for the 10% cost share if applicants can show that 75% of the O&M workers in those buildings reside in a Disadvantaged Community. Please reach out to the [Primary Contact](#) if this is your situation.

Cost share may include cash or in-kind services. The majority of the cost share must be provided by the employer of the O&M staff. Cost sharing by task may vary between the trainer, the employer of the O&M staff, and NYSERDA.

Examples of eligible cost share include the training provider/facility's employees' wages while working on tasks defined in the Statement of Work, the training provider/facility's employees' wages during training hours, equipment that will be used exclusively for training purposes, and training fees offset by a third party. Should the project require the purchase of desktop computers, servers, laptops, tablets, cell phones, or similar electronics equipment, these should be designated as applicant cost share.

Funding requests should be in line with the project's potential impact, including the number of staff trained, energy saved, and tangible non-energy benefits.

Work completed or costs incurred prior to NYSERDA's execution of a contract are ineligible for funding or for consideration as cost share.

If a project is selected for funding, the entity entering into the contract with NYSERDA can be either the lead training provider or the facility employing O&M staff.

Program Policy Factors

Additionally, NYSERDA reserves the right to accept or reject applications based on the following factors:

- The degree to which the proposed project, including proposed cost share(s), optimizes the use of available funding to achieve NYSERDA's overall programmatic and portfolio objectives, as specifically set forth in the Solicitation.
- The degree to which the proposed project directly addresses NYSERDA's mission and strategic goals.
- Diversity of awards within multiple locations, climates, regions, or other geographically articulated criteria (for example, Regional Economic Development Regions, NYISO zones, or other geospatially described areas, etc.) to ensure that projects selected for funding optimize the use of available funding to achieve programmatic objectives.
- Distribution of training projects across multiple sectors.
- The degree to which there is portfolio diversity, including considerations as to funding duplicative efforts stemming from the Solicitation itself or similar, previously funded efforts.
- Consideration of the impact on just transition and equity goals.
- Consideration of the impact on, and benefits to, a diversity of communities, including low-income and rural communities.
- The degree to which the training provider and/or the employer of the O&M staff have the resources (human and financial) to be able to complete the project.

- Number of awards previously made to the trainer and or building owners.
- The applicant's performance on current and/or past NYSERDA contracts.
- Types of training NYSERDA has funded in the past at the facilities or with the training provider.

III. APPLICATION REQUIREMENTS

Applicants must complete each section of Attachment A, Project Application Form, and include all required components in the application submission.

Statement of Work Requirements

Applicants must include a detailed Statement of Work for their proposed training project with their submission. The Statement of Work must include project goals, objectives, tasks, and deliverables. Applicants are encouraged to submit a Statement of Work that is innovative and shows the best potential for sustainable energy savings.

Attachment B contains a **Template** Statement of Work, which outlines both required and optional tasks. Applicants should use this document as a template when crafting their Statements of Work. Failure to provide all required information may result in NYSERDA rejecting the Statements of Work. Final approval of a Statement of Work or section thereof is subject to NYSERDA's discretion.

Schedule Requirements

Applicants are required to provide an anticipated schedule for completing tasks. This schedule should be in months from date of contract execution, using the format *Month 1, Month 2...Month 24* instead of *January, February...December*. Training activities should be completed within 24 months or less from contract execution.

Example Schedule:

Task No.	Title or Description	Month 1	Month 2	Month 23	Month 24
1	Establish Partnerships / Subcontracts						
2	Modify/Develop Curriculum						
3							
4							
5							
6							

Budget (Attachment D) Requirements

Applicants must complete and submit a budget with their application, including all information requested on Attachment D, which has tabs for the Budget Form and the Per-Task Summary Form.

The budget must be reasonable and must show the funding requested from NYSERDA and the cost share that is the responsibility of (1) the trainer and/or (2) the employer of the O&M workers.

Applicants must also complete one Attachment D Budget Form for each subcontractor/consultant identified in cost element 5, including costs related to labor, direct materials, and travel.

Based on the costs calculated in the Budget Form(s), applicants must complete the Per-Task Summary, which shows the cost breakdown for both the NYSERDA funding and the applicant's cost share.

IV. APPLICATION EVALUATION

Evaluation Process

NYSERDA will review applications monthly. All applications received by the last day of a month will be reviewed during the first two weeks of the following month. At NYSERDA's discretion, applicants may be requested to interview with members of NYSERDA's Workforce Development Team to address questions or clarify information presented in their application. NYSERDA may request additional data or material to support applications.

NYSERDA intends to inform applicants of the results of the evaluation before the end of the month following their submission. NYSERDA reserves the right to accept or reject any or all applications received, to negotiate with all qualified sources, or to cancel the PON in part or in its entirety when it is in NYSERDA's best interest.

Applicants receiving favorable evaluations may be asked to address specific recommendations or contingencies or make modifications to the Statement of Work, Schedule, or Budget before being awarded funding. An award under this PON will result in a contract. NYSERDA may award a contract based on applications without discussion or following discussion.

Denied Applications:

Applicants whose submissions are denied may request a debriefing from the Designated Contact and may reapply for program funding.

GENERAL CONDITIONS

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your application. Review should include whether it is critical for evaluating an application, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the applicant wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This

information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501

<https://www.nyserda.ny.gov/About/-/media/Files/About/Contact/NYSERDA-Regulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

Omnibus Procurement Act of 1992 - It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development
Division for Small Business
625 Broadway
Albany, NY 12207

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development
Minority and Women's Business Development
Division 625 Broadway
Albany, NY 12207

State Finance Law sections 139-j and 139-k - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at

<https://online.ogs.ny.gov/legal/lobbyinglawfaq/default.aspx>. Applicants are required to answer questions during application submission, which will include making required certification under the State Finance Law and to disclose any Prior Findings of Non-Responsibility (this includes a disclosure statement regarding whether the applicant has been found non-responsible under section 139-j of the State Finance Law within the previous four years).

Tax Law Section 5-a - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department.

The Department has created a second form that must be completed by a prospective

contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Contract Award - NYSERDA anticipates making multiple awards under this solicitation. A contract may be awarded based on initial applications without discussion or following limited discussion or negotiations pertaining to the Statement of Work. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful applications. NYSERDA may at its discretion elect to extend and/or add funds to any project funded through this solicitation. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the checklist questions. Applicants should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process.

NYSERDA expects to notify Applicants in approximately four (4) weeks from the receipt of an application whether your application has been selected to receive an award. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

Accessibility Requirements - If awardees from this solicitation will be posting anything on the web, or if the awardee will produce a final report that NYSERDA will post to the web, the following language must be included. NYSERDA requires contractors producing content intended to be posted to the Web to adhere to New York State's Accessibility Policy. This includes, but is not limited to, deliverables such as: documents (PDF, Microsoft Word, Microsoft Excel, etc.), audio (.mp3, .wav, etc.), video (.mp4, .mpg, .avi, etc.), graphics (.jpg, .png, etc.), web pages (.html, .aspx, etc.), and other multimedia and streaming media content. For more information, see [NYSERDA's Accessibility Requirements](#).

Limitation - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing an application, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all applications received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. NYSERDA reserves the right to reject applications based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement. NYSERDA reserves the right to disqualify applicants based upon the results of a background check into publicly available information and the presence of a material possibility of any reputational or legal risk in making of the award.

Disclosure Requirement - The applicant shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States and shall describe circumstances for each. When a applicant is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-

work right pending further investigation or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Applicants must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

Vendor Assurance of No Conflict of Interest or Detrimental Effect - The applicant shall disclose any existing or contemplated relationship with any other person or entity, including any known relationships with any member, shareholders of 5% or more, parent, subsidiary, or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers of the applicant or former officers and employees of NYSERDA, in connection with applicant's rendering services as proposed. If a conflict does or might exist, please describe how your company would eliminate or prevent it. Indicate what procedures will be followed to detect, notify NYSERDA of, and resolve any such conflicts.

The applicant must disclose whether it, or any of its members, or, to the best of its knowledge, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, "Commission"), and if so, a brief description must be included indicating how any matter before the Commission was resolved or whether it remains unresolved.

Public Officers Law – For any resulting awards, the Contractor and its subcontractors shall not engage any person who is, or has been at any time, in the employ of the State to perform services in violation of the provisions of the New York Public Officers Law, other laws applicable to the service of State employees, and the rules, regulations, opinions, guidelines or policies promulgated or issued by the New York State Joint Commission on Public Ethics, or its predecessors (collectively, the "Ethics Requirements"). Applicants are reminded of the following Public Officers Law provision: contractors, consultants, vendors, and subcontractors may hire former NYSERDA employees. However, as a general rule and in accordance with New York Public Officers Law, former employees of NYSERDA may neither appear nor practice before NYSERDA, nor receive compensation for services rendered on a matter before NYSERDA, for a period of two years following their separation from NYSERDA service. In addition, former NYSERDA employees are subject to a "lifetime bar" from appearing before any state agency or authority or receiving compensation for services regarding any transaction in which they personally participated, or which was under their active consideration during their tenure with NYSERDA.

Any awardee will be required to certify that all of its employees, as well as employees of any subcontractor, whose subcontract is valued at \$100,000 or more who are former employees of the State and who are assigned to perform services under the resulting contract, shall be assigned in accordance with all Ethics Requirements. During the term of any agreement, no person who is employed by the contractor or its subcontractors and who is disqualified from providing services under the contract pursuant to any Ethics Requirements may share in any net revenues of the contractor or its subcontractors derived from the contract. NYSERDA may request that contractors provide it with whatever information the State deems appropriate about each such person's engagement, work cooperatively with the

State to solicit advice from the New York State Joint Commission on Public Ethics, and, if deemed appropriate by the State, instruct any such person to seek the opinion of the New York State Joint Commission on Public Ethics. NYSEDA shall have the right to withdraw or withhold approval of any subcontractor if utilizing such subcontractor for any work performed would be in conflict with any of the Ethics Requirements. NYSEDA shall have the right to terminate any contract at any time if any work performed is in conflict with any of the Ethics Requirements.

Due Diligence – NYSEDA, at its discretion, may conduct broad due diligence to validate any or all elements of an application and to assess applicants' prospects of success, including gathering information to assess a application relative to any of the topics listed in evaluation criteria, whether or not such topic is explicitly addressed in a application. NYSEDA may conduct due diligence on some or all applications based on NYSEDA's current guidelines at the time of a review. NYSEDA staff may follow up with applicants to request additional information or clarification regarding applicant's application, including questions regarding applicant's business prospects and resources, whether or not those questions are specifically related to the elements of the application. Additionally, customized due diligence may be conducted by internal or external staff or contractors based on questions on any application raised by NYSEDA staff and/or the Scoring Committee. Due diligence may include (but is not limited to): interviews of independent references and background checks of team members; assessment of prior business experience of any team member associated with a application; research on intellectual property claims; customer and partner reference checks; market research on the applicants' target market and any other related or possibly competitive technology or market area; research to validate any assumptions on current or future revenues, costs, capital needs, and financing prospects for applicants' business, including similar (or unrelated) technologies, processes, or competitive solutions; or any other research that could reasonably inform the evaluation of a application, or the prospects for commercial success of the applicants' business (whether directly related to, or unrelated to the specific elements in a application). Due diligence may include discussions with applicants' former and current business partners, employees, investors, customers, and competitors. Due diligence may be conducted by NYSEDA personnel or contractors including members of the scoring committee, before, during, or after a scoring process, and prior to finalization of a contract award, any information gleaned in diligence may be used to score or re-score a application or apply a program policy factor.

EO 16 Protocols – Pursuant to Executive Order No. 16 issued on March 17, 2022, all vendors responding to bids or contracting with New York State must certify, using the form provided as part of this solicitation, their status with regard to conducting business operations in Russia, and that any such business operations in Russia conducted on behalf of the vendor are determined to be permitted under any of the allowable exemptions. The term vendor is intended to encompass bidders prior to contract award, contractors who have received a contract award, contract assignees, or contractors for whom an extension to an existing contract is being pursued.

Exemption decisions are in NYSEDA's sole discretion and are final decisions. NYSEDA reserves the right to solicit additional materials or information regarding the responses or materials provided by a vendor.

Pursuant to Executive Order No. 16, all vendors will be vetted to ensure that they are not on the federal sanctions list at <https://sanctionsearch.ofac.treas.gov/>. There is no waiver or exemption process for vendors appearing on the federal sanctions list.

The Executive Order remains in effect while sanctions imposed by the federal government are in effect. Accordingly, vendors who may be excluded from award because of current business operations in Russia are nevertheless encouraged to respond to solicitations to preserve their contracting opportunities in case sanctions are lifted during a solicitation, or after award in the case of some solicitations.

XI. ATTACHMENTS:

Attachment A – Project Application

Attachment B – Statement of Work Template

Attachment C – Sample Agreement

Attachment D – Budget and Instructions

New York State Energy Research and Development Authority

Albany

17 Columbia Circle, Albany, NY 12203-6399

(P) 1-866-NYSERDA | (F) 518-862-1091

nysesda.ny.gov | info@nysesda.ny.gov

Buffalo

726 Exchange Street

Suite 821

Buffalo, NY

14210-1484

(P) 716-842-1522

(F) 716-842-0156

New York City

1359 Broadway

19th Floor

New York, NY

10018-7842

(P) 212-971-5342

(F) 518-862-1091

West Valley Site

Management Program

9030-B Route 219

West Valley, NY

14171-9500

(P) 716-942-9960

(F) 716-942-9961